GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – Sri E.Subba Rao, Games Peon, Guntur Medical College, Guntur - Orders of the Hon'ble High Court dated.16.03.2012 in WVMP No.1370 of 2011 in WPMP No.33054 of 2010 in W.P.No.25887 of 2010 – Implementation – Orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (E1) DEPARTMENT

G.O.MS.No. 72 Dated:29.07.2015.

Read the following:-

1. Orders dated.27.04.2010 in O.A.No.5929/2007 filed by Sri E.Subba Rao, Games Peon, Guntur Medical College, Guntur .
2. Orders of the Hon'ble High Court dated.16.03.2012 in WVMP No.1370 of 2011 in WPMP No.33054 of 2010 in W.P.No.25887 of 2010.
3. From the D.M.E., A.P., Hyd Letter Rc.No.Spl/DME/ A.P., Hyd/2010, dated.26.08.2010.
4. From the Principal, Guntur Medical College, Guntur Lr. No.2613/A7/2007-12, dated.16.08.2012.

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ORDER:

The Principal, Guntur Medical College, Guntur in his letter 4th read above has informed that Sri E. Subba Rao S/o Venkaiah were engaged as Games Peon in Guntur Medical College, Guntur w.e.f 6th August, 1976 on Payment of Rs.90/- per month by the then President, Guntur Medical College, Games & Sports Association / Principal, Guntur Medical College, Guntur. Since then, Sri E. Subba Rao were continued and his remuneration was hiked in piece-meal up to Rs.3000/- per month from the student Association Fund. He has further informed that he was appointed as casual employee to attend the duties in sport department and the wages were met from the Student Association Funds. He was not appointed as contingent employee and was not paid any amount as salary from Government funds. Further as per the certificates produced by the Petitioner before the Principal, Guntur Medical College, Guntur he studied 5th class during the year 1970-1971. His date of Birth is 07.11.1957 and he belongs to Hindu Mala – SC Community.

2 Sri E. Subba Rao, has filed OA No.5929/2007 in the Hon'ble APAT, AP., Hyderabad seeking to regularize his services as Games Peon. The Hon'ble APAT., AP., Hyderabad has issued the following order on 27.04.2010 in the said O.A.:

> "As per G.O.Ms.No.212 Finance & Planning (FW.PC.III) Department, Dated:22.4.1994, the NMR/Daily Wage employees has to put in five years of continuous service by 25.11.1993. The applicant has put in nearly 17 years of continuous service as contingent employee in Physical Education Department of Guntur Medical College by the crucial date, i.e., Dated:25.11.1993. So, Prima facie, he is eligible for consideration for regularization under G.O.Ms.No.212 Finance & Planning (FW.PC.III) Department, Dt.22.4.1994. It is unfortunate, such a person, who is working for a long time in a particular institution, is still continued as contingent employee. The authorities ought to have taken care of him long back.
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> Therefore, the OA is allowed. The 1st respondent is directed to consider the case of the applicant for regularization of his services, if necessary, by creating the post of Games Peon in Guntur Medical College, and if not, in any other clear vacancy of Class-IV in the said College, for which he is eligible, or in other departments, District Offices, as contemplated under G.O.Ms.No.212 Finance & Planning (FW.PC.III) Department,

(P.T.O)

Dated:22.04.1994 and pass necessary orders within a period of eight weeks from the date of receipt of this order".

3. The Director of Medical Education, AP., Hyderabad in his letter 3rd read above has authorized the Principal, Guntur Medical College, Guntur to file an appeal in A.P. High Court against the orders dt.27.04.2010 of Hon'ble APAT, Hyderabad. Accordingly, he has filed a Writ Petition No. 25887/2010 in the Hon'ble High Court.

4. The Hon'ble High Court while admitting the WP.No.25887/2010 filed by Principal, Guntur Medical College, Guntur granted interim suspension of the orders of the Tribunal. To vacate the said order, Sri.E. Subba Rao filed W.V.M.P.No.1370 of 2011 in Andhra Pradesh High Court. The Hon'ble High Court dated.16.03.2012 in WVMP No.1370 of 2011 in WPMP No.33054 of 2010 in W.P.No.25887 of 2010 passed the following orders:-

"However, we are not inclined to express any opinion with regard to the entitlement of regularization, but as the 1st respondent herein has been working continuously and he is being paid monthly salary of Rs.3,500/- we are of the opinion that the 1st respondent is entitled for payment of scales attached to the post of Games Peon".

Accordingly, we modify the interim order granted by this Court on 28.10.2010 and the order of the Tribunal is suspended insofar as regularization of his services alone is concerned and the 1st respondent herein is entitled to pay scales and revised pay scales attached to the post of Games Peon from time to time. W.V.M.P is accordingly disposed of."

5. Government after careful and detailed examination of the matter hereby permitted the Director of Medical Education, A.P., Hyderabad to pay the pay scales and revised pay scales from time to time attached to the post of Gardener in last grade services from the date of orders of Hon'ble APAT., i.e. 27.04.2010 to Sri E. Subba Rao S/o. Venkaiah, Games Peon, Guntur Medical College, Guntur as per orders of the Hon'ble High Court dated.16.03.2012 in WVMP No.1370 of 2011 in WPMP No.33054 of 2010 in W.P.No.25887 of 2010 and also in terms of common orders of Hon'ble High Court, dated.28.08.2014 in WP.No.30530 of 2012 and batch.

6. The Director of Medical Education, A.P., Hyderabad shall take further action in the matter accordingly.

7. This order issues with the concurrence of Finance (HRM.III) Department vide U.O.No.11762/68/A2/HRM.III/2015, dated.23.07.2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
Sri E. Subba Rao, Games Peon, Guntur Medical College, Guntur thro' Director of Medical Education, A.P., Hyderabad.
The Director of Medical Education, A.P., Hyderabad.
The Principal, Guntur Medical College, Guntur.
The Accountant General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
SF/SC.,

// FORWARDED :: BY ORDER //

SECTION OFFICER.